



Staff Report

DISCUSSION AND DIRECTION ON ESTABLISHING AN ADMINISTRATIVE HEARING PROCESS FOR CODE ENFORCEMENT

Honorable Mayor and Council Members:

Summary

Based on the direction provided the September 27, 2005 Council meeting, staff has developed a draft ordinance and procedures for an Administrative Hearing Process. Using the comments provided by Council at tonight's meeting, a proposed ordinance will be returned at a later date for public hearings and adoption (expected in May, 2006). No public hearing is scheduled at this meeting but comments from the public may be offered.

Background

At the September 27, 2005 Council meeting, staff requested the Council provide direction on the establishment of an Administrative Hearing Process. At that time, staff received guidance from Council concerning the following issues:

- When to begin levying fines against violators?
 - Council decided to begin levying fines after the first notice.
- How is the Hearing Board staffed?
 - The decision was made to use Senior Staff Team members.
- The Hearing Board's authority over fines or penalties?
 - The decision was to allow the Hearing Board the authority to reduce fines or penalties.
- The possibility of appeal to the Council?
 - The Hearing Board's decision will be final with any appeals directly to the Superior Courts per the Government Code.
- How to collect any fines and penalties that are levied?
 - Using outside vendor to bill and provide collection services for the City. This can be the same vendor that is currently processing parking citations for the City. The City is also preserving its right to proceed through the court system for any fines and also to place a lien on the tax rolls for any uncollected fines and penalties.
- Should an Assessment Fee be applied once staff begins enforcement proceedings?
 - The City will reserve its right to collect assessment fees from violators in the future.

Using the guidance provided by Council, staff researched other agencies whose Administrative Hearing Process was similar to what Belmont proposes. Staff, after reviewing approximately 16 other agencies programs, determined that the City of La Habra Heights (Los Angeles County) developed a program in 2004 that is similar to what the City of Belmont would like to create. The La Habra Heights model was developed with the assistance of Attorney Michael Colantuono who has consulted with the City of Belmont on other issues.

Discussion

Two common code enforcement tools are criminal prosecution and civil injunction. A third tool is administrative enforcement. Currently, Belmont uses the civil injunction process and in rare instances, uses criminal prosecution in code enforcement cases.

Staff has developed an administrative enforcement process for the adjudication of code enforcement issues. This process will allow all city departments the ability to issue administrative citations for violations of various City codes.

The Administrative Enforcement Program for code enforcement will achieve compliance through the possible imposition of administrative fines to violators who ignore or refuse to voluntarily comply with the Belmont Municipal Code and the Belmont Zoning Ordinance. Administrative enforcement is designed to be less expensive and achieve a quicker resolution to the violation than criminal or civil enforcement.

If the violator wants to contest an administrative citation, they will receive a hearing with an internal hearing board comprised of Senior Management Team members. This hearing will be held within 30 to 60 days of the request.

At this time, staff estimates that the hearings will be held once a month. More hearings can be scheduled each month if the request for hearings is greater than time permits. It should be noted that each hearing can take up to one hour depending on the evidence that is presented. If the violator wants to appeal the decision of the hearing board, they must do so through the Superior Court system.

The following draft procedure provides details of the process using the administrative hearing program.

1. Initial Notice of Violation

- a. The first step is the same as the current process in use now. The City, when a reported violation has been confirmed to exist, mails a notice to the property owner and any other responsible party that an illegal condition exists on their property. The notice includes a description of the violation, and a time frame to correct the violation. The notices under the proposed process will include the same information that is currently in use but will also list a series of fines if the violation is not corrected by the prescribed due date.
- b. The time frame to correct violations will depend on the egregious nature or

adverse impact to health, life or safety issues. The time frame for compliance will be between an immediate cleanup and removal process for serious health, life or safety issues to 30 days on non-safety issues that will require an extensive amount of time to correct. Most violators will be provided a 15 day window to correct the violation. Fifteen days was chosen to allow at least two weekends to pass allowing the responsible party enough time to correct the violations.

- c. Any and all “responsible persons” will be issued a notice of violation. A responsible person will be defined as property owners, tenants, users of the property, on-site managers, etc. It is possible that more than one person can be responsible for a code violation. If it is effective to issue a notice of violation to more than one responsible person, then each responsible person would be issued a separate notice of violation.
- d. Enforcement officers have the authority to inspect property for code violations within the limits of the law and, if necessary, to seek inspection and/or abatement warrants from the courts.

2. Administrative Citation

- a. If a person who has been issued an initial notice of violation does not correct the violation before the prescribed deadline, an enforcement officer or other city employee is authorized to issue this person an administrative citation.
- b. An administrative citation:
 - i. Imposes a fine as set forth in the fee schedule, due within 30 days of issuance of the citation;
 - ii. Requires correction of the violation be completed within a time certain;
 - iii. Sets forth appeal rights.
- c. The citation will describe the unlawful condition, the code section(s) violated, and, if applicable, corrections to bring the property into compliance.
- d. If a cited person does not correct the violation within the prescribed time set forth in the first administrative citation, a second administrative citation may be issued for an increased fine amount. If the violation is not corrected in the prescribed time as set forth in the second citation, a third citation may be issued for up to the highest prescribed fine according to the fee schedule. Continued violations not corrected within the time prescribed in the third (and any subsequent administrative citations) will result in the issuance of the citation with a fine of the highest prescribed amount. A new administrative citation may be issued each day the violation continues to exist in any twelve (12) consecutive month period.
- e. More than one person can be issued an administrative citation, as long as each person cited is a “responsible person” as defined in the ordinance, was previously given a notice of violation, and failed to correct the violation within the time prescribed in the notice of violation. However, the City cannot

collect on double citations for the same violation.

- i. If, for example, a property owner and a tenant were each issued a citation for a \$100 fine for the same code violation, the City would be owed only a total of \$100 (not \$200), with each liable party (the owner and the tenant) individually responsible for payment of the \$100 fine. Between the two of them, a \$100 fine must be paid.

3. Appeal Rights – Preliminary Review

- a. An administrative citation will describe appeal rights for the violators. These provisions would be listed on the front or back side of the citation form. Appeal rights consist of the right to request a preliminary review with the department head, or their designee, of the issuing enforcement officer, and the right to request an administrative hearing. A preliminary review is an informal review by the department head or their designee, to validate or dismiss a notice of violation that has been issued.
- b. A request for a preliminary review will be made in writing and submitted to the issuing departments' director or their designee within seven (7) days of the issuance of the first administrative citation. The request must include any information that the cited person desires considered in the preliminary review.
- c. The request for a preliminary review cannot extend any compliance time period, the due date of payment of any fine, or the deadline to request an administrative hearing.
- d. The preliminary review is conducted by the "preliminary review authority" i.e. department head or their designee. The preliminary review authority shall review the administrative citation, the written request for a preliminary review, and any evidence the cited person(s) submit with the request for a preliminary review.
- e. If the preliminary reviewing authority concludes that no code violation occurred or that the cited person is not responsible for the violation, then the preliminary reviewing authority must dismiss the administrative citation without prejudice to the issuance of a later citation should additional evidence be discovered. Otherwise, the citation is upheld.
- f. The City must notify the cited person of the results of the preliminary review within seven (7) calendar days of filing the written request for a preliminary review. The result is not a final decision and is not subject to judicial review.
- g. A cited person must pay the fine no later than 30 calendar days from the issuance of the administrative citation. A cited person may request a waiver of the fine deposit. Such request must be made at the time of the request for a preliminary review. The cited person bears the burden to establish by substantial evidence, with a sworn affidavit, that he or she is unable to pay the fine. The preliminary reviewing authority, at the time of ruling on the administrative citation, must also rule whether the cited person qualifies for waiver of the fine deposit.

4. Appeal Rights – Administrative Hearing

- a. A cited person has the right to request an administrative hearing. An administrative hearing is a limited evidentiary hearing before the Hearing Board.
- b. A request for an administrative hearing must be filed within twenty (20) calendar days of the issuance of the first administrative citation. A request for an administrative hearing must be made in writing to the Community Development Director. A request must include grounds on which a cited person relies. Unless waived at the preliminary review, or the fine has already been paid, the request must be accompanied by payment of the fine amount.
- c. The Community Development Director or designee shall forward the request to the City Manager immediately.
- d. Failure to request an administrative hearing before the deadline, or failure to comply with all of the requirements of requesting an administrative hearing, constitutes an abandonment of a request and a failure to exhaust administrative remedies. A cited person may request, in advance and upon reasonable basis, one continuance of the hearing.
- e. No hearing to contest an administrative citation shall be held unless the fine has been paid in advance or a deposit waiver has been issued.
- f. The administrative hearing is conducted by the “hearing authority”.
- g. The hearing procedures are as follows:
 - i. An administrative citation and any submitted reports prepared by an enforcement officer must be accepted by the hearing authority as prima facie evidence on the facts stated in such documents.
 - ii. The hearing authority must allow a cited person an opportunity to testify at the hearing and to present evidence concerning the code violation specified in the administrative citation. The hearing authority may request additional information or evidence from a cited person prior to issuing a decision.
 - iii. An enforcement officer or any other representative of the City may, but is not required to, attend the hearing.
 - iv. The hearing authority may continue a hearing from time to time and allow a cited person additional time to remedy a violation.
 - v. All hearings must be recorded on a video or audio device, unless the City elects to use a court reporter. If a court reporter is not used, the City is not required to provide transcripts of any hearings. However, but within fifteen (15) days after payment of reasonable duplication fee, the City shall make the video and audio recordings available to the cited person. If a court reporter is used, a cited person may obtain a copy of the transcript upon payment of any applicable fees or costs.
 - vi. A hearing need not be conducted in accordance with the technical

rules of evidence. All relevant evidence may be admitted if it is evidence on which reasonable persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might consider such admission improper in a civil action. Irrelevant or unduly repetitious evidence shall be excluded.

- vii. After considering all testimony and evidence, the hearing authority shall issue a written decision to affirm, modify, or dismiss the administrative citation. The hearing authority may impose conditions and deadlines to correct the violations. The hearing authority may assess reasonable administrative cost incurred by the City. The decision shall include the hearing authority's findings and information on the right to seek judicial review of the decision. If the hearing authority determines that the administrative citation should be affirmed, the fine amount on deposit with the City shall be retained by the City.
- viii. The City shall issue a cited person a copy of the hearing authority's written decision (the "Notice of Decision"). The decision of the hearing authority shall be final.

5. Judicial Review

- a. A cited person may seek judicial review of the hearing authority's decision, pursuant to Government Code Section 53069.4, within twenty (20) calendar days after the cited person receives a copy of the notice of decision. The prevailing party has the right to recover reasonable legal fees.

6. Delinquent fines

- a. Failure to pay a fine before the time set forth in the administrative citation shall result in the imposition of a 10 percent penalty fee added to the total outstanding fee amounts due. The City may pursue other remedies for the collection of fines and penalties, including recording delinquent fines and penalties as a lien on the property and Franchise Tax Board refunds.

The fine schedule has been developed using a three sub-tiered formula. There are two lower tiers for first time violations. Garbage cans being stored in public view, overgrown vegetation which does not present a fire hazard and other small, minor violations will have an initial fine of \$75. All other violations will have an initial fine of \$200. The second violation will be \$300 and the third and each subsequent violation will be \$500 per day. Each violation that exists for more than one day shall be considered a separate and distinct violation for each day that it exists.

General Plan/Vision Statement

Creation of an Administrative Hearing Board will address the City Council Priority Agenda and furthers General Plan Goals/Policies outlined below:

1. “To preserve and enhance the attractive, family-oriented and tranquil quality of Belmont’s residential neighborhoods”. (1015)

Fiscal Impact

As brought forth in the previous staff reports, additional expenses will result from the adoption of a City run administrative process. There will be a significant increase in staff time to monitor, track, and coordinate the cases as they work their way through the process. There will also be additional demands presented to Senior Management Team members who will staff the hearings and write their decision in a timely manner. A portion of these costs could be defrayed by a matching fee schedule

Public Contact

Posting of City Council Agenda.

Recommendation

Provide direction on the proposed development of the Administrative Hearing Process and allow staff to proceed with preparation of the draft ordinance for presentation (first reading) at a later date.

Alternatives

1. Make any changes to the proposed ordinance.
2. Terminate the project and continue with the current enforcement process.
3. Take no action.

Attachments

- A. Staff Report (September 27, 2005)
- B. Meeting Minutes (September 27, 2005, excerpt)
- C. Draft Ordinance

Respectfully submitted,

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Section 30

Administrative Enforcement

Section 30-100 Purpose and Intent.

The City Council has determined that the enforcement of this Code, any code it adopts by reference, and applicable state codes is an important public service and is vital to the protection of the public's health, safety, and quality of life. The City Council has determined that there is a need for alternative methods of code enforcement and that a comprehensive code enforcement system uses a combination of criminal, civil, and administrative remedies to gain compliance with code regulations.

Section 30-101 Definitions.

Use specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

- a. "Administrative citation" is a notice issued by an enforcement officer pursuant to this chapter that there has been a violation of the Code and that an administrative fine is imposed.
- b. "Code Violation" is any violation of this Code, any code it adopts by reference, any other ordinance of the City, or applicable law or legally enforceable standard.
- c. "City Manager" is the City Manager or his or her designee.
- d. "Enforcement Officer" is an individual designated by the City Manager to enforce the provisions of the Code or other applicable law.
- e. "Hearing Authority" or "Hearing Board" shall consist of any member of the Senior Management Team.
- f. "Issuance date" is the day an administrative citation is personally served on a responsible person, is mailed to a responsible person, or is posted on real property where a property related violation occurred.
- g. "Issue" means to give, mail, or post an administrative citation.
- h. "Notice of decision" is a notice that informs a responsible person of a decision made by a hearing authority pursuant to the provisions of this chapter.
- i. "Notice of violation" is any notice that informs a person that a violation of the Code, any code it adopts by referenced, or other applicable law, occurred.
- j. "Preliminary reviewing authority" is the Department Head of the issuing enforcement officer.
- k. "Responsible person" is any of the following:
 1. An individual or legal entity that, by action or inaction, causes or maintains a code violations or permits or allows a code violation.
 2. An individual or legal entity whose agent, employee, or independent contractor, by action or inaction, causes or maintains a code violation or permits or allows a code violation.
 3. An owner or, or a lessee or sub lessee with current right of possession of, real property on which a code violation occurs.
 4. An individual or legal entity that uses the property where the violation occurs.
 5. An on-site manager of a business normally working at the site when the business is open and responsible for the activities at such business.
 6. The owners, majority stockholders, controlling owners, corporate officers, trustees, and/or general partners of a legal entity that is a responsible person under subsections 1 through 5 above.

7. If any of the persons are minors, the parents or guardians of such minors shall be deemed the responsible person.

Section 30-102 General Enforcement Authority.

For purposes of this chapter, the City Manager and his or her designated enforcement officers shall have the power to issue notices of violation and field citations, inspect public and private property, and use whatever judicial and administrative remedies are available under this Code or other law. More specific provisions regarding administrative or other enforcement authority and procedures for particular violations may exist in this Code.

Section 30-103 Notice of Violation.

Whenever an enforcement officer determines that a violation exists, the enforcement officer may issue a notice of violation to any responsible persons. The notice of violation must include the following information:

- a. The Code section(s) violations.
- b. A description of the condition creating the violation(s).
- c. The address where the violation(s) occurs.
- d. The name of the responsible person and any other involved persons.
- e. The date and, if relevant, time at which the violation was observed.
- f. If applicable, a list of any corrections to bring the property into compliance.
- g. A deadline or specific date to correct the violations.
- h. The signature of the enforcement officer issuing the notice of violation.
- i. The date of issuance of the notice of violation.

Section 30-104 Issuance of notice of violation.

A notice of violation may be issued as follows:

- a. An enforcement officer may personally serve the notice of violation on the responsible person, or
- b. An enforcement officer may mail the notice of violation to the responsible person by first class mail, or
- c. An enforcement officer may post a copy of the notice of violation on the subject property in a conspicuous place for a property related code violation and, in which case, the enforcement officer shall also mail a copy of the notice of violations to the responsible person at the address where the violation occurred.

Section 30-105 Authority to inspect.

Enforcement officers are authorized to enter upon any property or premises within the City to ascertain whether the provision of the Municipal Code are being obeyed, and to make any examination and surveys as may be necessary in the performance of their enforcement duties. These inspections may include the taking of photographs, samples, or other physical evidence. All inspection, entries, examinations and surveys shall be done in a reasonable manner and in accordance with law. If an owner, occupant, or agent refuses permission to enter or inspect, the enforcement officer may seek an administrative inspection warrant pursuant to law.

Section 30-106 Notice of Pending Administrative Enforcement

For the purpose of this chapter, the enforcement officer may record with the Registrar-Recorder/County Clerk/County Recorded a notice against a property for which is the subject of an administrative enforcement action pending with the City. A notice of pending administrative action shall be on a form approved by the City Manager and shall describe the nature of the administrative action and refer to the Code provision governing the pending administrative action.

Section 30-107 Administrative Fines and Penalties

- a. Any violation of a provision of this Code, any code it adopts by reference, or other applicable law, may be subject to an administrative fine or penalty pursuant to this chapter. (This also includes any violation of any condition imposed upon the issuance of any permit, license, conditional use permit, or

other approval (e.g. subdivision map, special use permit, variance, zoning clearance) pursuant to this Code.

- b. Each and every responsible person regarding a code violation(s) is joint and severally liable, in accordance with notice and procedures of this chapter, for all fines or penalties imposed for the violation(s).
- c. A violation that exists for more than one day shall be considered a separate and distinct violation for each day that it exists. Each daily violation may be subject to the maximum fine or penalty permitted under this chapter.
- d. An administrative citation may charge a code violation for one or more days on which a violation exists and for violation of one or more code sections.
- e. The administrative fines and penalties delineated in this chapter are in addition to, and do not preclude imposition of, any other remedies, criminal, civil, or administrative, available to the City. Imposition of administrative fines or penalties shall be at the sole discretion of the City.

Section 30-108 Administrative Citations

If a responsible person(s) already received a notice of violation or some comparable notice, and failed to correct the violation within the time prescribed in the notice, an enforcement officer may issue an administrative citation to each and every responsible party previously notified. The administrative citation gives notice of the administrative fines or penalties imposed pursuant to this chapter.

Section 30-109 Contents of Administrative Citation

An administrative citation shall include the following:

- a. A description of the condition creating the violations(s)
- b. The address where the violation(s) exists
- c. The name of the responsible person(s) and any other involved persons
- d. The date and, if relevant, time at which the violation was observed
- e. The amount and due date of the fine or penalty
- f. A description of the procedure to pay the fine
- g. A description of the procedure for requesting the preliminary review, waiver of fine deposit, and hearing to contest the administrative citation.
- h. If applicable, a list of any corrections to bring the property into compliance.
- i. A statement that any unpaid fines or penalties may be placed as a special assessment or lien against the property where a violation occurs
- j. Signature of the enforcement officer issuing the administrative citation
- k. The date of issuance
- l. Any other information deemed necessary for enforcement or collection of the administrative fines

Section 30-110 Consideration in other proceedings

The City Council, Planning Commission, or other similar body, or City staff may consider the fact that a person has been issued an administrative citation when determining whether to grant, suspend, revoke, or deny any permit, license, or other approval, regarding a matter related to the condition causing the code violation, to that person, and may consider that such administrative citation to be evidence that the person has committed acts that threaten the health, safety, and welfare of the general public.

Section 30-111 Issuance of administrative citations.

An administrative citation may be issued in one or more of the following ways:

- a. An enforcement officer may personally serve the citation on the responsible person. The responsible person is required to sign a copy of the administrative citation showing his or her receipt, but his or her failure to do so shall have no effect on the enforcement of the citation, or
- b. An enforcement officer may mail the administrative citation to the responsible person by first class mail, or

- c. An enforcement officer may post a copy of the administrative citation on the subject property in a conspicuous place for a property related code violation and, in which case, the enforcement officer shall also mail a copy of the administrative violation to the responsible person at the address where the violation occurred.

Section 30-112 Amount of administrative fines and penalties

- a. The administrative fines for violations of this Code, as specified in this chapter shall be established by resolution of the City Council. The schedule of fines may include escalating fine amounts for repeated code violations within specific periods of time.
- b. Administrative fines not paid prior to their due date shall result in the imposition of a penalty and interest for everyday of delinquency, as set forth in resolution.

Section 30-113 Payment of fines

- a. All fines are due on the day specified in the administrative citation.
- b. Fines shall be paid to the City. Payments shall be made in accordance with procedures established by the Finance Director.
- c. Payment of a fine or penalty pursuant to this chapter shall not excuse or discharge any continued or repeated violation of this code.
- d. Pending a hearing by the hearing authority, payment of a fine may be stayed if the preliminary reviewing authority determines, pursuant to Section 30-112, that a responsible person is unable to pay the fine.

Section 30-114 Preliminary Review

- a. A person that received a notice of violation may request a preliminary review. Such request must be made within seven (7) calendar days of the date that the notice of violation is issued. Failure to request a preliminary review before the deadline constitutes a waiver to any preliminary review.
- b. A request for a preliminary review shall be made in writing and filed with the City and shall include all information that the responsible person desires the preliminary reviewing authority to consider in his or her preliminary review of the citation. A request for preliminary review may include a request for waiver of the fine deposit. A responsible person requesting a waiver of fine deposit bears the burden to establish by substantial evidence, including sworn affidavit, that he or she is unable to deposit the fine imposed by the administrative citation.
- c. The preliminary review shall be conducted by the preliminary reviewing authority.
- d. The preliminary review shall include a review of the notice of violation, the written request for a preliminary review, and any evidence the responsible person may submit with the written request.
- e. The cited person shall be notified of the results of the preliminary review within seven (7) working days of filing a written request for preliminary review. The decision on a preliminary review is not a final disposition and therefore is not subject to judicial review.
- f. A request for preliminary review shall not extend any time period for compliance, the due date of any fine imposed, or the time to request an administrative hearing.
- g. If the preliminary reviewing authority concludes that no code violation occurred or that the responsible person was not responsible for the code violation, then he or she shall dismiss the notice of violation, without prejudice to the issuance of a further administrative citation should additional evidence be developed.
- h. The preliminary reviewing authority shall also rule whether the responsible person qualifies for waiver of the fine deposit, if such a request has been made.

Section 30-115 Administrative hearing

- a. A cited person may request an administrative hearing. Such request must be filed within twenty (20) calendar days of the issuance of the first administrative citation and must be accompanied with the full amount of fines due and owing at that time. Failure to request a hearing before the deadline, or failure

to comply with all the terms for requesting a hearing, constitutes an abandonment of a request and a failure to exhaust administrative remedies.

- b. A request for an administrative hearing shall be made in writing and files with the City, and shall include any grounds which the responsible person wishes the City to consider. Unless waived upon preliminary review, the request shall be accompanied by a deposit of the fine and any penalties imposed by the administrative citation, in the event the fine has not yet been paid.
- c. A cited person may request one continuance of a hearing provided he or she does so in writing before the date of the hearing and states a reasonable basis for the request. Unless the City issues a written notice of continuance, the hearing shall take place on the date, time and location specified in the notice of hearing transmitted to the cited person. A cited person's failure to attend a hearing shall constitute an abandonment of the request for the hearing and a failure to exhaust administrative remedies.

30-116 Hearing Process

- a. The hearing shall be conducted by the hearing authority on the date, time, and location specified in the notice of hearing transmitted to the cited person.
- b. An administrative citation and other reports prepared by an enforcement officer concerning a code violation shall be accepted by the hearing authority as prima facie evidence of the facts stated in such documents
- c. The hearing authority shall allow the cited person an opportunity to testify as the hearing and to present evidence about any code violation specified in the administrative citation.
- d. The enforcement officer or other representatives of the City may, but is not required to, attend the hearing
- e. The hearing authority may continue a hearing from time to time and may allow a responsible person additional time to remedy a violation. In addition, the hearing authority may request additional information or evidence from the cited person.
- f. All hearings shall be recorded on a video or audio device, unless the City elects to use a court reporter. If a court reported is not used, the City need to provide transcripts of any hearings, but, within fifteen (15) calendar days after payment of reasonable duplication fee, shall make the video and audio recordings available to the responsible person. If a court reported is used, a recipient of the administrative citation may obtain a copy of the transcript upon payment of any applicable fees or cost.
- g. A hearing need not be conducted in accordance with the technical rules of evidence. Any relevant evidence may be admitted if it is evidence on which reasonable persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might consider such admission improper in a civil action. Irrelevant or unduly repetitious evidence shall be excluded.
- h. After considering all testimony and evidence submitted at the hearing, the hearing authority shall issue a written decision to affirm, modify or dismiss the administrative citation. The decision shall include the hearing authority's findings, as well as information regarding the cited person's right to seek judicial review of the decision and the time in which to do so. The City shall issue the cited person a copy of the hearing authority's written decision (the "Notice of Decision"). The decision of the hearing authority shall be final.
- i. If the hearing authority determines that the administrative citation should be affirmed, the fine and/or penalty amount of deposit with the City shall be retained by the City.

Section 30-117 Judicial Review

A cited person may seek judicial review of the hearing authority's decision by filing a petition for review with the Superior Court, pursuant to Government Code Section 53069.4 within twenty (20) calendar days after he or she receives a copy of the notice of decision. In any such action, the prevailing party shall have the right to recover reasonable legal fees.

Section 30-118 Collection of delinquent fines and penalties and other remedies

- a. Failure to pay a fine or penalty before the time set forth in the administrative citation shall result in the imposition of interest and penalties, established by resolution.
- b. The City may pursue any and all legal and equitable remedies for the collection of fines, including interest and penalties.
- c. Delinquent fines, interest, and penalties may be recorded as a lien or special assessment against the property on which the code violation occurred. Prior to recording a lien or special assessment, the City shall prepare a cost report itemizing the amount owed by the responsible person. The City shall comply with the State Franchise Tax Board or any other state or county law pertaining to the recording of any delinquent fines, interest, and penalties as a lien on the property, or as a special assessment.
- d. The administrative citation process described in this chapter does not preclude the City from recovering any code violation abatement cost incurred by the City in performing its code enforcement efforts.